

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA)	
)	Criminal No. 4:17-CR-131-DMB-JMV
v.)	
)	4:17-CR-131-DMB-JMV-1 (Nelson)
SCOTT E. NELSON, CHARLINE)	4:17-CR-131-DMB-JMV-2 (C. Brandon)
BRANDON, WENDELL BRANDON)	4:17-CR-131-DMB-JMV-3 (W. Brandon)
and ANNETTE LOFTON)	4:17-CR-131-DMB-JMV-4 (Lofton)
_____)	

**MOTION TO DISMISS COUNTS TWO, THREE,
FIVE, SIX, SEVEN AND ELEVEN OF THE INDICTMENT**

COMES NOW the Defendant, SCOTT E. NELSON (hereinafter “Defendant NELSON”), by and through his undersigned attorney, and moves to Dismiss Counts Two, Three, Five, Six, Seven and Eleven of the Indictment in the above styled and numbered cause, and in support thereof would show as follows:

1. That Defendant NELSON, along with others, was indicted in the United States District Court for the Northern District of Mississippi on the 3rd day of November, 2017. Said Indictment [Doc 1] is a multiple-count Indictment, charging Defendant NELSON with, among other things, 12 counts of Medicare fraud, pursuant to Title 18, U.S. Code, Sections 2 and 1347.

2. Specifically, Counts Two, Three, Five, Six, Seven and Eleven of the Indictment, charge the Defendant NELSON with offenses that occurred more than five (5) years prior to November 3, 2017, the date of the Indictment herein.

3. Defendant NELSON respectfully submits that these specific counts of the Indictment should be dismissed, pursuant to 18 U.S. Code § 3282, which in pertinent part provides that:

“... no person shall be prosecuted, tried, or punished for any offense, not capital, unless the indictment is found or the information is

instituted within five years next after such offense shall have been committed.”

4. Defendant NELSON respectfully submits that Counts Two, Three, Five, Six, Seven and Eleven of the Indictment all fall outside of the five year statute of limitations, and therefore, respectfully requests that same be dismissed.

Respectfully submitted,

s/ Philip Mansour, Jr.

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Attorney for Defendant, Scott E. Nelson

Date: January 17, 2018

Certificate of Service

I hereby certify that on January 17, 2018, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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